

## **The Limited Use Policy Enabling Learning Objectives**

- 1. Select from a list the types of tests covered by the Limited Use Policy.**
- 2. Given a scenario determine if the Limited Use Policy applies.**



# Limited Use Policy

- ▮ **This lesson will not make you a legal expert!**
- ▮ **It is designed to give you a basic understanding of the Limited Use Policy, so you can assist the commander and explain the policy to other Soldiers.**
- ▮ **The commander should ALWAYS consult with SJA concerning whether or not the Limited Use Policy applies.**



# Limited Use Policy

- ▮ **Objectives of the “Limited Use Policy”:**
  - ▮ **To facilitate the identification of alcohol and other drug abusers by encouraging identification through self-referral.**
  - ▮ **To facilitate the treatment and rehabilitation of those abusers who demonstrate the potential for rehabilitation and retention.**





# Limited Use Policy

- ▮ **What does the Limited Use Policy do?**
  - ▮ **Prohibits the use by the government of Protected Evidence (Evidence of certain positive drug results, or certain types of information about illegal drug or alcohol use) against a Soldier in a courts-martial, UCMJ or for an unfavorable characterization of service.**



# Limited Use Policy

- ▢ **What does the Limited Use Policy do?**
  - ▢ **If a commander identifies a Soldier as a drug abuser through self-referral then the commander is not required to initiate separation action.**
  - ▢ **A Soldier can still be administratively discharged for a positive drug test that is covered by the Limited Use Policy but the Soldier will receive an Honorable Discharge.**



# Limited Use Policy

- ▣ **What is Protected Evidence ?**
  - ▣ **Results of a command directed/competence for duty (CO) urine or alcohol test or a rehabilitation test (RO) as part of an ASAP treatment plan.**
  - ▣ **A Soldier's self-referral to ASAP.**
  - ▣ **Information concerning drug or alcohol abuse or possession of drugs for personal use occurring prior to a Soldier's self-referral. This information is provided by the Soldier as part of their initial entry into the ASAP.**





# Limited Use Policy

- ▣ **What is Protected Evidence? (cont)**
  - ▣ **Information concerning drug or alcohol abuse or possession of drugs for personal use, and biochemical tests results collected as a result of a Soldier's emergency medical care for an actual or possible alcohol or drug overdose.**

**NOTE: This does not include medical care resulting from apprehension of law enforcement or if the initial hospital admission was for other than alcohol or drug abuse (i.e. traffic accident injuries).**



# Limited Use Policy

- ▣ **What is Protected Evidence? (cont)**
  - ▣ **Biochemical test results of a Soldier who self-refers, who is tested prior to the drug being eliminated from his body.**
  - ▣ **Example: A Soldier self refers on Monday after using cocaine on Sunday; the commander ordered a 100% test on Tuesday. The test result is protected by the Limited Use Policy because the Soldier was positive from the previously admitted use. (cocaine is detectable up to 72 hours after use).**





# Limited Use Policy

- ▮ **Limited Use Policy does not apply to the following evidence:**
  - ▮ **A positive test that results from law enforcement activities.**
  - ▮ **A positive urine rehabilitation test on a Soldier who is enrolled for alcohol abuse.**
  - ▮ **Illegal drug use or possession after enrollment into the ASAP.**
  - ▮ **Information concerning drug or alcohol abuse or possession of drugs for personal use occurring AFTER a Soldier's self-referral.**



# Limited Use Policy

- ▢ **Limited Use Policy does not apply to the following evidence: (cont)**
  - ▢ **A positive urine test on a Soldier conducted as an inspection (IO, IR, or IU) after the Soldier is enrolled in ASAP.**
  - ▢ **Example: A Soldier self-enrolls on Monday for cocaine abuse, he is tested the following Monday on a 100% test and comes up positive for cocaine. Cocaine is only detectable for about 72 hours, therefore the Soldier must have used cocaine again after he self-enrolled.**



# Limited Use Policy

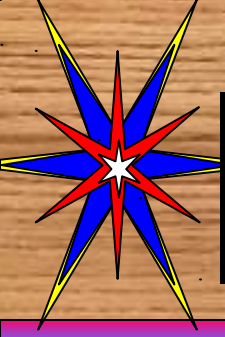
- ▮ **Limited Use Policy does not apply to the following evidence: (cont)**
- ▮ **If a Soldier self refers after being notified of a urinalysis, then that test is not covered by the limited use policy.**
- ▮ **Example: CPL Snuffy smoked marijuana on Saturday night . On Monday morning the commander orders a 10% random urinalysis and CPL Snuffy is selected to provide a specimen. CPL Snuffy approaches the UPL desk and says “I want to self refer, I have a problem”. This test will still be coded as an IR and is not covered by the limited use policy. After providing a specimen, CPL Snuffy would be directed to see the commander for a referral to the ASAP.**





# Limited Use Policy

- ▮ It is imperative that UPLs code a urine specimen with the correct test basis to ensure that the Limited Use Policy is applied only when appropriate.
- ▮ There is a lot of confusion among Soldiers and commanders about the Limited Use Policy, so remember: The commander should ALWAYS consult with SJA concerning whether or not the Limited Use Policy applies.



# VIDEO QUIZ 1

1. Click on the View Video link below
2. Watch the video
3. Close the video
4. Answer the question below.

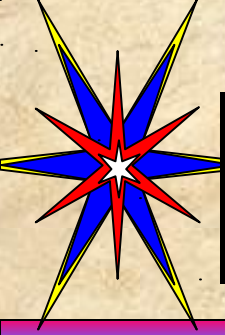
**View Video**

**Is this test covered under the Limited Use Policy?**

**YES**

**NO**

**Next**



# VIDEO QUIZ 2

1. Click on the View Video link below
2. Watch the video
3. Close the video
4. Answer the question below.

**View Video**

**Note: This is a Soldier at his initial interview at the ASAP after self-referring.**

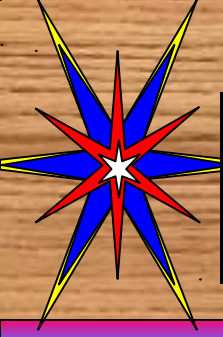
**Is this information covered under the Limited Use Policy?**

**YES**

**NO**

**NEXT**





# VIDEO QUIZ 3

1. Click on the View Video link below
2. Watch the video
3. Close the video
4. Answer the question below.

**View Video**

**Is this information covered under the  
Limited Use Policy?**

**YES**

**NO**

**NEXT**



# VIDEO QUIZ 4

1. Click on the View Video link below
2. Watch the video
3. Close the video
4. Answer the question below.

**View Video**

**Is this test covered under the Limited  
Use Policy?**

**YES**

**NO**

**NEXT**



# VIDEO QUIZ

**CORREC  
T !!!**







# VIDEO QUIZ 1

**Sorry, but you are  
incorrect.**



# Limited Use Policy

- ▢ What is Protected Evidence? (cont)
  - ▢ Information concerning drug or alcohol abuse or possession of drugs for personnel use, and biochemical tests results collected as a result of a Soldier's emergency medical care **for an actual or possible alcohol or drug overdose.**
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# Limited Use Policy

- ▮ In this scenario the doctor states that the Soldier is unconscious and its implied that it is an actual overdose, therefore Limited Use Applies

**Back to Video Quiz**





## VIDEO QUIZ 2

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**Back to Video Quiz**



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**Back to Video Quiz**



## VIDEO QUIZ 4

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incorrect.**



# Limited Use Policy

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# Limited Use Policy

- In this scenario the Soldier was receiving treatment for the injury to her shoulder, and the doctor felt that she may be on drugs. This is NOT covered under the Limited Use Policy.

**Back to Video Quiz**